



03/24/05

PATENT
674522-2001.1

AF#
JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : EPSTEIN, *et al.*
Serial No. : 09/478,621
For : INHIBITING DEVELOPMENT OF MICROVESSELS WITHIN
CORONARY OR PERIPHERAL VESSEL WALLS FOR
RESTENOSIS/ATHEROSCLEROSIS PREVENTION OR THERAPY
Filed : January 5, 2000
Art Unit : 1646
Examiner : D. Jiang

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EXPEDITED PROCEDURE
RESPONSE AFTER FINAL ACTION
UNDER 37 C.F.R. 1.116

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AMENDMENT AFTER FINAL OFFICE ACTION WITH
REQUESTS FOR EXTENSION OF TIME AND WITHDRAWAL OF FINALITY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed on November 3, 2004, setting a three-month term for reply.

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. §1.136(a), a two-month extension of the period for reply, up to and including March 22, 2005, is requested. A check for \$225.00 is enclosed, in payment of the fee for a small entity under 37 C.F.R. §1.17(a). The Commissioner is authorized to charge any additionally required fee for the extension, or any other fee occasioned by this paper, to Deposit Account No. 50-0320.

REQUEST FOR WITHDRAWAL OF FINALITY

It is respectfully submitted that the finality of the November 3, 2004 Office Action was improper. The indefiniteness rejection of claim 22 under 35 U.S.C. §112, second paragraph, is a newly issued rejection that was not occasioned by Applicants' amendments filed on August 17, 2004. The rejection is based on the fact that the amount of protein to be administered was not recited in the claims. No amount of protein has ever been recited in any of the claims, yet this is the first time a rejection of this nature has been raised. The amendments made to claim 22 in the last response (of August 17, 2004) simply included adding a recitation of "following balloon angioplasty" and rewriting the claim in independent form. No new recitations regarding administration of the compounds were added. Therefore, the indefiniteness rejection is a new rejection that was not previously raised and that was not necessitated by Applicants' amendments. Reconsideration and withdrawal of finality of the present Office Action are requested.